

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, October 13, 2015, at Westfield City Hall. Members present included Martin Raines, Ron Rothrock, Bill Sanders and Dave Schmitz. Also present were Kevin Todd, Senior Planner; Pam Howard, Associate Planner; and Brian Zaiger, City Attorney.

APPROVAL OF MINUTES

Sanders moved to approve the September 15, 2015, meeting minutes.

Rothrock seconded, and the motion passed by 4-0 vote.

Todd reviewed the Public Hearing Rules and Procedures.

ITEMS OF BUSINESS

1503-VU-02

17777 Commerce Drive

Edward Tomich by Badger Engineering, LLC

The petitioner is requesting a modification of a condition of approval for previously granted Variance of Use to allow an indoor shooting range and related retail sales in the EI: Enclosed Industrial District (1304-VU-01) (Chapter 13: Use Table).

Todd presented an overview of the requested modification of conditions of approval for a previously granted Variance of Use that allowed an indoor shooting range and related retail sales in the Enclosed Industrial District, as summarized in the Department's report.

Andi Metzel, Benesch, Friedlander, Coplan & Aronoff LLP, on behalf of the petitioner, gave a presentation. Reports were given to the Board members containing the updates of the modifications to the shooting range building and the written request for the modified conditions. Metzel also submitted letters and signatures from persons in support of the shooting range.

Brian Tuohy, attorney on behalf of Hadah, LLC, requested the Board allow additional public comment. Raines opened the meeting to allow for additional public comment.

Mr. Tuohy gave a report on the recent sound tests that occurred since the vestibule was added to the north side of the building. He added that a decibel reading in the high fifties at the property line would be acceptable, but that the current proposal of seventy (70) dB is unacceptable. He also requested the vestibule wall be extended along the full length of the north side building and wrap around the eastern side of the building to further dampen the sound.

Metzel stated a decibel reading in the fifties at the property line is not possible.

Schmitz asked if the site meets the City's typical standards for noise, notwithstanding the existing variance condition regarding "no noise".

Todd stated yes, it does meet the City's standards for noise.

Rothrock motioned to approve the petition as presented.

Schmitz seconded, and the motion passed 3-1 (Sanders).

Raines moved to adopt the Department's recommended findings of fact for approval.

Motion passed 4-0.

1506-VU-06

14939 Ditch Road

Jeff Kelich

The petitioner is requesting approval of a Variance of Use to allow a lawn and landscape business in the SF2: Single-Family Low Density District (Chapter 13: Use Table).

Todd noted the petition was withdrawn by the petitioner prior to the meeting.

1510-SE-03

16414 Towne Road

[PUBLIC HEARING]

Crown Castle by Bingham Greenebaum Doll LLP

The petitioner is requesting approval of a Special Exception request to allow a new Wireless Communication Service Facility in the AG-SF1: Agriculture/Single-Family Rural District (Chapter 13: Use Table).

Todd presented an overview of the requested Special Exception, as summarized in the Department's report to allow a new Wireless Communication Service Facility in the Agriculture/Single-Family Rural District.

Matt Price, Attorney at Bingham Greenebaum Doll LLP representing Crown Castle, gave a brief presentation.

Public Hearing opened at 8:28 p.m.

Ginny Kelleher, 3920 West 166th Street; stated this request would be detrimental to the perception of this area and in conflict with the Westfield Comprehensive Plan. She expressed concern that this will compromise the Bent Creek subdivision and believes it will affect their marketing. She stated she believes putting a cell tower in a conservation area of the community is not a good idea. She requested the petition be denied and the cell tower be put in a different location.

Tracy Pielemeier, 16101 Little Eagle Creek Avenue; stated she is not against cell towers and believes one is needed in that general area, but thinks it would be better on or adjacent to the nearby water tower. She also suggested the area near 166th Street and Ditch Road, which is farm land. She requested the petition be denied and the cell tower be put in a different location.

Kristen Burkman, 1924 West 161st Street; stated this area is currently being studied by a group of neighbors and council members for additional preservation protection. She stated the cell tower

would not be consistent with the vision for that area of the community. She asked if lights will be on top of the tower, given the proximity to the airport, and why this cell tower is so close to the tower at Shamrock Springs Elementary.

Suzy DuBois, 1719 West 161st Street; stated her cell coverage is good and that she does not see the need for a new tower.

John DuBois, 1719 West 161st Street; asked for additional information regarding the petitioner's attempts to locate facilities on existing towers.

Public Hearing closed at 8:40 p.m.

Price responded the water tower is only seventy feet in height and is shrouded in trees, so it would not work as a wireless communication location. He added the water tower across from Shamrock Springs is fully housed with wireless communications, and that there is a need in this area for additional cell towers because all existing facilities are full. He noted none of the adjacent neighbors, including the developer of the Bent Creek subdivision, remonstrated during the public hearing. He said the height of the proposed tower does not meet the threshold for requiring lights on top. He added the cell tower meets all the requirements for a Special Exception and development standards.

Rothrock motioned to approve the petition with the following conditions:

1. That the height of the tower not exceed 168 feet (including the lightning rod); and
2. That landscaping be installed in a manner that is substantially similar to what is depicted in Exhibit 4 of the staff report.
3. That no lights be installed at the top of the tower.

The motion died due to a lack of a second.

Sanders made a motion to deny the petition.

Raines seconded and the motion passed 4-0.

Raines moved to adopt the Department's recommended findings of fact for denial.

Sanders seconded and the motion passed 4-0.

1510-VS-14

[PUBLIC HEARING]

18710 Chad Hittle Drive

Almost Home Kennel, LLC

The petitioner is requesting approval of a Variance of Standard for an increase in the total sign area allocation to allow an off-premise sign to be located in the right-of-way of Chad Hittle Drive in the GB: General Business District (Article 6.17(E)(3), (5) and (Article 6.17(H)(1)).

Howard presented an overview of the requested Variance of Standard as summarized in the Department's report to allow for an increase in total sign area allocation in the General Business District. Howard distributed a letter from a neighbor in favor of the petition.

Rick Wyatt, petitioner, introduced himself.

Public Hearing opened at 9:00 p.m.

Blair Frye, Trinity Baptist Church, 1415 E. 191st Street; asked where sign will be located.

Public Hearing closed at 9:02 p.m.

Howard responded that sign would be located on the south side of the curb cut, and that the location would be approved by the Public Works Department to ensure the sign does not obstruct any lines of sight.

Schmitz motioned to approve the petition with the following condition:

1. Approval from INDOT shall be required prior to issuance of a Sign Permit.

Sanders seconded, and the motion passed 4-0.

Raines moved to adopt the Department's recommended findings of fact.

Motion passed 4-0.

REPORTS/COMMENTS

Plan Commission Liaison report by Schmitz.

Economic and Community Development Department.

Rothrock motioned to adjourn the meeting.

Sanders seconded, and the motion passed.

The meeting adjourned at 9:11 p.m.

Chairperson
Martin Raines

Secretary
Matthew S. Skelton, Esq., ACIP
Director